

EXHIBIT NO.

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10
12-14-02

Docket Item # 7

SPECIAL USE PERMIT #2002-0080

Planning Commission Meeting

December 3, 2002

ISSUE: Consideration of a request for a special use permit to operate a restaurant at the existing retail market, and for a reduction of off-street parking.

APPLICANT: Quetae Kim

LOCATION: 801 Bashford Lane
Lee's Market

ZONE: RB/Residential

PLANNING COMMISSION ACTION, DECEMBER 3, 2002: On a motion by Mr. Komoroske, seconded by Mr. Gaines, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations and to amend Conditions #7 and #23. The motion carried on a vote of 6 to 0. Mr. Dunn was absent.

Reason: The Planning Commission agreed with the staff analysis.

Speakers:

Alice Pickering, an area resident, spoke in opposition to the application.

Mariella Posey, an area resident, spoke in support of the application, but requested that condition #7 be clarified as to the number of seats allowed inside of the restaurant.

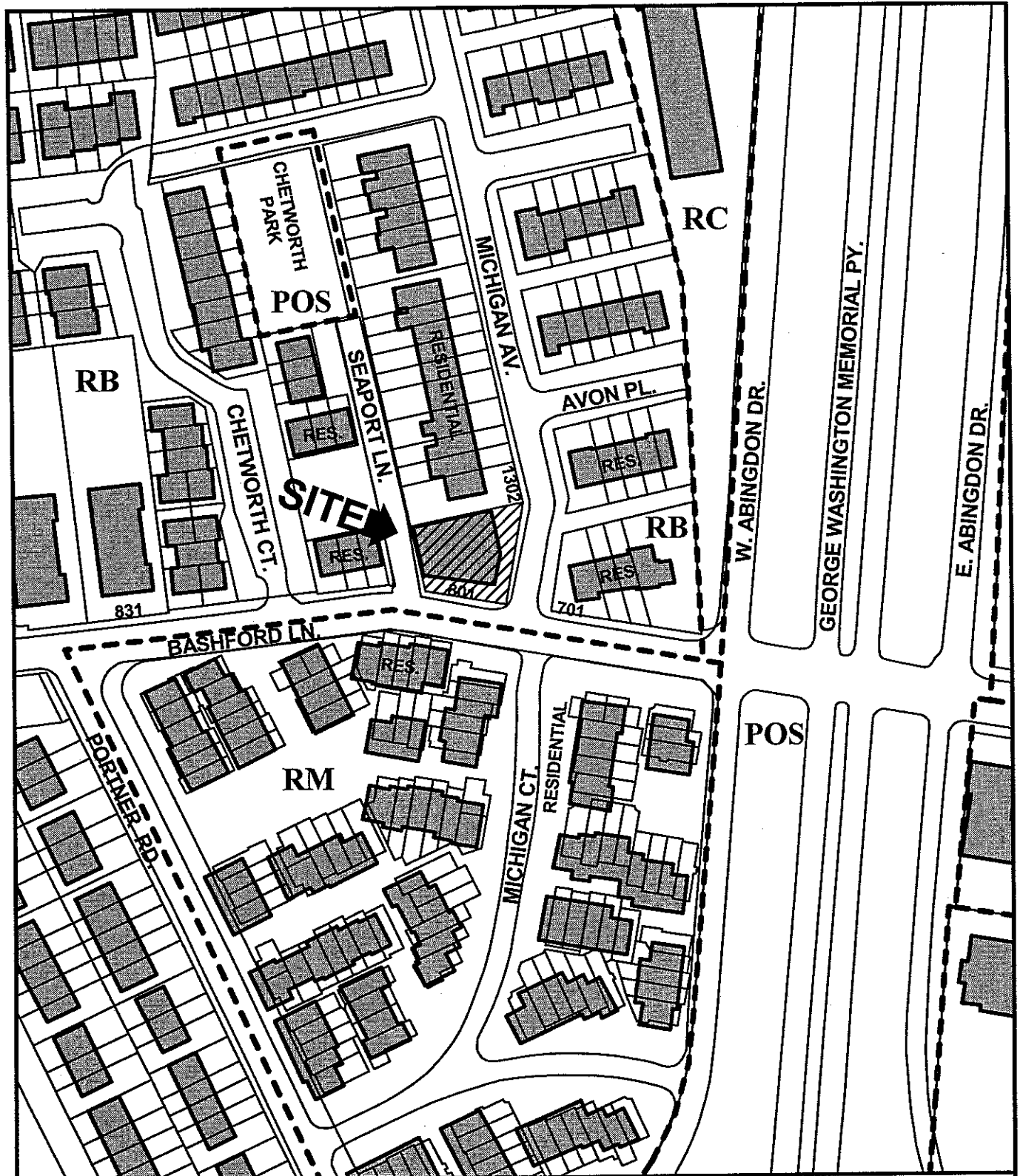
Tom Witte, an area resident, spoke in support of the application.

Poul Hertel requested that a condition be added for staff to review the type of furniture that is used for the outdoor seating. In addition, he requested that condition #13 regarding the alcohol sales be struck because the condition is already a limitation of the applicant's Virginia Alcoholic Beverage Control license. Mr. Hertel also expressed concern about monitoring alcohol consumption at the outdoor seating area.

SUP #2002-0080
801 Bashford Lane

PLANNING COMMISSION ACTION, NOVEMBER 7, 2002: By unanimous consent, the Planning Commission deferred the request.

Reason: The applicant requested the deferral.



SUP #2002-0080

11/07/02



STAFF RECOMMENDATION:

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z) (SUP #2514)
2. **CONDITION AMENDED BY STAFF:** That the hours of operation of the market, seating area, and dry cleaners shall be restricted to the following, as requested by the applicant. (SUP #2514) (P&Z)

<u>Use</u>	<u>Hours</u>	<u>Days</u>
Dry cleaners	7:00 a.m. to 7:00 p.m.	Monday through Friday
	8:30 a.m. to 5:00 p.m.	Saturday

Market <u>and seating area</u>	7:00 a.m. to 8:00 p.m.	Monday through Friday
	7:00 a.m. to 7:00 p.m.	Sunday

3. **CONDITION AMENDED BY STAFF:** That This special use permit shall be limited only to the operation of a grocery store with seating for patrons and dry cleaning pick-up and drop-off business, ~~as it is presently operated.~~ (P&Z) (SUP #2514)
4. No food, beverages or other materials shall be stored outside. (P&Z) (SUP #2514)
5. **CONDITION AMENDED BY STAFF:** ~~That trash~~ Trash and garbage be stored inside or in a dumpster shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (SUP #2514) (P&Z)
6. **CONDITION DELETED BY STAFF:** ~~That trash and garbage be collected two times a week when the business is open.~~ (P&Z) (SUP #2514)
7. **CONDITION AMENDED BY PLANNING COMMISSION:** No more than 19 seats shall be provided at the market, with no more than ten seats to be used as outdoor seating, and no more than nine seats to be used as indoor seating. (PC)

8. **CONDITION AMENDED BY PLANNING COMMISSION:** The outdoor seating area shall not encroach upon the public-right-of way, and the design of the outdoor furniture shall be subject to review by the Director of Planning and Zoning. (PC)
9. **CONDITION ADDED BY STAFF:** Food service shall be limited to the sales of coffee, sandwiches, baked goods, and similar items. (P&Z)
10. **CONDITION ADDED BY STAFF:** No on-premise alcohol service shall be permitted. (P&Z)
11. **CONDITION ADDED BY STAFF:** No live entertainment shall be provided at the restaurant. (P&Z)
12. **CONDITION ADDED BY STAFF:** The applicant shall post the hours of operation of the market and restaurant at the entrance to the market. (P&Z)
13. **CONDITION ADDED BY STAFF:** Only off-premise beer and wine may be permitted. Domestic beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of more than 40 fluid ounces. Imported beer may be sold in single containers of less than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Domestic fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold. The sale of imported port wine and sherry is not prohibited. (P&Z)
14. **CONDITION ADDED BY STAFF:** Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z)
15. **CONDITION ADDED BY STAFF:** Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
16. **CONDITION ADDED BY STAFF:** The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES)

17. **CONDITION ADDED BY STAFF:** Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
18. **CONDITION ADDED BY STAFF:** No amplified sound shall be audible at the property line. (P&Z)
19. **CONDITION ADDED BY STAFF:** The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and a robbery awareness program for all employees prior to operation. (Police)
20. **CONDITION ADDED BY STAFF:** Meals ordered before the closing hour may be served, but no new patrons may be admitted after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z)
21. **CONDITION ADDED BY STAFF:** The applicant shall conduct employee training sessions on an ongoing basis, and shall discuss all special use permit provisions and requirements as part of that training. (P&Z)
22. **CONDITION ADDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

Staff Notes:

In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

Any exterior changes to the property visible from a public way including, for example, signs, alterations to entryway, HVAC equipment, ventilating stacks and lights, require review and approval by the Board of Architectural Review. Prior to the commencement of operation the applicant must obtain a business license from the Business Tax Branch.

DISCUSSION:

1. The applicant, Quetae Kim, requests special use permit approval for the operation of a restaurant in an existing retail market located at 801 Bashford Lane and for a parking reduction.
2. The subject property is one lot of record with 69.2 feet of frontage on Bashford Lane, 91 feet of frontage along Michigan Avenue, 57.7 feet along Seaport Lane, and a total lot area of 5,753 square feet. The site is developed with a one-story commercial building of 4,647 square feet of floor area and has a neighborhood market occupying the eastern section and a dry cleaning business occupying the western section of the building.
3. The applicant seeks to add three tables and nine chairs to a 300 square feet area inside the market along the front windows, and to add 10 seats outside during nice weather, for a total of 19 seats. The seats would serve existing customers who have requested a place to sit on the premises to consume products that they buy while visiting with neighbors. Food service items offered for consumption at the seating area would include deli sandwiches, salads, danishes, bagels, fresh coffee, soft drinks, and similar items. Only carry-out and counter service will be offered to patrons. No table service will be provided. On-premise alcohol service is not requested.

Items sold from the market portion of the business include canned goods, milk, eggs, cheese, pasta, fresh produce, and other grocery items. The market also offers a large selection of fine wine and beer that are sold for consumption off the premises.

4. The existing market and dry cleaning business are nonconforming commercial uses in a residential zone. They were approved on September 14, 1991, with Special Use Permit #2514 and allowed to continue operating. Section 12-200 (B) of the zoning ordinance permits the continuation of a nonconforming use in a residential zone after December 28, 1991, only with a special use permit. In accordance with Section 12-200 (B) (3) of the zoning ordinance, the standards for approval of a special use permit for a nonconforming commercial use in a residential area are:
 - The degree to which the commercial use serves the nearby neighborhood;
 - The degree to which the commercial use is compatible with existing uses in the nearby neighborhood;
 - The degree to which the commercial use enhances the nearby neighborhood.

5. Section 12-210 (C) of the zoning ordinance allows nonconforming commercial uses, for which a special use permit was approved, to change to another commercial use in the zone classification where the nonconforming commercial use is first permitted if a special use permit is allowed for the new use. In this case, the use is first listed in the CL/Commercial low zone; a restaurant is permitted in that zone only with a special use permit. The applicant is seeking special use permit approval to change from a market to a market and restaurant use.
6. The hours of operation of the market and restaurant are proposed to be the same as they are today: Monday through Saturday 7:00 a.m. to 8:00 p.m. and on Sunday between 7:00 a.m. to 7:00 p.m.
7. No changes are being proposed to the dry cleaning business adjacent to the market.
8. On April 23, 2002, staff inspected the property responding to a complaint about seating being offered at the premises when the special use permit does not allow it. Staff observed twelve chairs and a ticket was issued. The chairs were promptly removed, and the applicant filed this application requesting permission to allow the chairs.
9. Under Section 8-200 (A) (8) of the zoning ordinance, a restaurant with 19 seats is required to provide five parking spaces. In this case, the restaurant has no on-site spaces, is unable to comply with the requirement, and has requested a parking reduction. There is no space on the site to accommodate off-street parking.

In support of the parking reduction, the applicant states that the business is neighborhood serving with most patrons walking to the business. Staff has not received any complaints in regard to parking congestion caused by the operation of this business.
10. Zoning/Master Plan: The subject property is located in the RB/Townhouse zone and is in the Northeast Master Plan area.

STAFF ANALYSIS:

Staff does not object to the proposed restaurant in the retail market located at 801 Bashford Lane. The restaurant portion of the market is small and provides an additional service to existing customers. Most of the patrons are residents of the surrounding neighborhood, therefore, the use is not expected to increase the demand on parking. In addition, the proposed seating enhances the mix of neighborhood serving commercial uses on the site without generating potentially negative impacts

normally associated with restaurant uses. Thus, the use meets the criteria of a nonconforming commercial use in a residential zone by its service to, compatibility with, and enhancement of the neighborhood.

Staff would be concerned if the proposal would generate an additional customer base causing more issues with parking, noise and other impacts normally associated with larger restaurant uses. Staff has therefore included a one-year review condition in part to ensure that the market and restaurant continue to function as a neighborhood serving establishment as the market has for decades. Staff has also recommended the standard conditions for restaurants and has amended some conditions of the previous permit to reflect current standards.

In regard to alcohol sales, the market currently has an Alcoholic Beverage Control (ABC) license for off-premise sales of beer and wine, restricting single sales of domestic beers and domestic fortified wines, but allowing single sales of imported beers and imported port wine and sherry. For this SUP, the Police Department recommends the standard condition prohibiting the sale of fortified wine and limiting beer sales to four-packs, six-packs, or in containers of at least 40 fluid ounces. ABC informed staff that it is not aware of any issues at the business in regard to the current restrictions, and Police informed staff that there have been no calls for service at and around the market that are nuisance related or indicate a problem created by the business. In addition, the applicant informed staff that limiting single sales of imported beer and imported wine and sherry would put a significant burden on the business. Therefore, staff recommends condition #13 which is consistent with the current ABC license at the market granted in 1997 (see attached letter dated May 20, 1997).

With these conditions, staff recommends approval of the special use permit.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Valerie Peterson, Urban Planner.

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- F-1 T&ES believes that this operation primarily serves the adjacent residents and the addition of seating for nine patrons will not place a demand on the available on street parking in the neighborhood.
- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.
- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- R-2 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services.
- R-3 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.

Code Enforcement:

- C-1 A fire prevention code permit is required for the proposed operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.
- C-2 A rodent control plan shall be submitted to this office for review and approval prior to occupancy. This plan shall consist of the following:
 - (a) Measures to be taken to control the placement of litter on-site and the trash storage and pickup schedule.
 - (b) How food stuffs will be stored on-site.
 - (c) Rodent baiting plan.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 This carry-out facility is currently operating as Lee's Market under permit #16F-59-1, issued to Kim Quetae.
- C-3 This facility and all modifications must meet current Alexandria City Code requirements for food establishments.
- C-4 Five sets of plans must be submitted to and approved by this department prior to construction/modifications. Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for review of plans for food facilities.
- C-5 Permits and/or approval must be obtained prior to operation.
- C-6 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-7 Certified Food Managers must be on duty during all hours of operation.
- C-8 Restrooms serving restaurants must meet Alexandria City Code, Title 11, Chapter 2 requirements.
- C-9 Alexandria City Code requires "At least one toilet and not fewer than the toilets required by Law shall be provided." This facility has one toilet, located at the back of the store, for employees and none for the public.
- C-10 Rules and Regulations of the Board of Health, Commonwealth of Virginia Governing Restaurants, Section 18.1 requires toilets for employees and the public. Access to public toilets through food preparation, storage, and utensil-washing areas is prohibited.
- C-11 This carry-out facility will not be allowed to provide seating for or encourage dining in or around the premises unless public toilets are provided without going into any of the restaurant food areas.
- C-12 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Police Department:

- F-1 Investigation reveals Lees Market does in fact sell alcohol and wine.
- R-1 If an "ABC Off" License is approved we recommend the following conditions;
1. Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine(wine with an alcohol content of 14% or more by volume) may not be sold.
 2. That the SUP is reviewed after one year.

VP
APP
APPLICATION for SPECIAL USE PERMIT # 2002-0080

[must use black ink or type]

PROPERTY LOCATION: 801 Bashford Lane Alex. VA 22314

TAX MAP REFERENCE: 044.04 ZONE: R13-Residential

APPLICANT Name: QUETAE KIM

Address: Same above

PROPERTY OWNER Name: Kim. Youngshin

Address: 6908 Vantage DR Alexandria VA 22304

PROPOSED USE: Amend SUP for Adding Seat & Table

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Quetae KIM

Print Name of Applicant or Agent

801 Bashford Lane

Mailing/Street Address

Alexandria, VA 22314

City and State

Zip Code



Signature

703-683-5185

Telephone #

703-683-0384

Fax #

July 22, 02

Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

All applicants must complete this form. Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is (check one) ☒ the Owner ☐ Contract Purchaser
☐ Lessee or ☐ Other: _____ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

QUETAE KIM

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

- ☐ Yes. Provide proof of current City business license
 N/A ☐ No. The agent shall obtain a business license prior to filing application, if required by the City Code.

2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8½" x 14" or smaller. Twenty-four copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request in detail so that the Planning Commission and City Council can understand the nature of the operation and the use, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (Attach additional sheets if necessary)

Jee's Market has served the NorthEast neighborhood for over 30 years. The Market has enabled local residents to purchase a variety of goods and prepackaged items within walking distance of their homes. Accordingly most of the patrons come from the NorthEast by foot. Among the goods sold are coffee, baked goods, soft drinks and sandwiches. Many patrons have requested the ability to sit and enjoy the coffee on the premises with fellow neighbours. Therefore, Jee's Market requests permission to put in place 3 small tables and 9 chairs in a section of the store previously occupied by a large table.

The request will not intensify the use because only current patrons are expected to use the chairs. Furthermore, Jee's Market will not change the level of services provided. Finally, the change will not attract new customers but better serve ^{our} existing base.

USE CHARACTERISTICS

4. The proposed special use permit request is for: (check one)

- ☐ a new use requiring a special use permit,
☐ a development special use permit,
☐ an expansion or change to an existing use without a special use permit,
☒ expansion or change to an existing use with a special use permit, SUP 2514
☐ other. Please describe: _____

5. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour, or shift).

only expected to serve current customer base
(part off) ~ 20-30/day

B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).

No change

6. Please describe the proposed hours and days of operation of the proposed use: No change from existing business - per applicant. MUH. 7-23.0

Day:

Hours:

No change

7. Please describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

No change

B. How will the noise from patrons be controlled?

No change

8. Describe any potential odors emanating from the proposed use and plans to control them:

No change

9. Please provide information regarding trash and litter generated by the use:

A. What type of trash and garbage will be generated by the use?

No change

B. How much trash and garbage will be generated by the use?

No change

C. How often will trash be collected?

No change

D. How will you prevent littering on the property, streets and nearby properties?

No change

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

☐ Yes. ☒ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

☐ Yes. ☒ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

12. What methods are proposed to ensure the safety of residents, employees and patrons?

No change

ALCOHOL SALES

13. Will the proposed use include the sale of beer, wine, or mixed drinks?

☐ Yes. ☒ No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

PARKING AND ACCESS REQUIREMENTS

14. Please provide information regarding the availability of off-street parking:

- A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

2

- B. How many parking spaces of each type are provided for the proposed use:

_____ Standard spaces

_____ Compact spaces

_____ Handicapped accessible spaces.

_____ Other.

only on-street
parking
available
(per applicant)
-MVT

- C. Where is required parking located? ☐ on-site ☐ off-site (check one)

If the required parking will be located off-site, where will it be located:

Pursuant to section 8-200 (C) of the zoning ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

- D. If a reduction in the required parking is requested, pursuant to section 8-100 (A) (4) or (5) of the zoning ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

15. Please provide information regarding loading and unloading facilities for the use:

- A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? 0

- B. How many loading spaces are available for the use? 0

- C. Where are off-street loading facilities located? on Bashford Lane
(per applicant - MVT)

D. During what hours of the day do you expect loading/unloading operations to occur?

No chrt

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

No chrt

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

No chrt

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? ☒ Yes ☐ No

Do you propose to construct an addition to the building? ☐ Yes ☒ No

How large will the addition be? _____ square feet.

18. What will the total area occupied by the proposed use be?

300 sq. ft. (existing) + _____ sq. ft. (addition if any) = 300 sq. ft. (total)

*per applicant,
mutt*

19. The proposed use is located in: (check one)

☒ a stand alone building ☐ a house located in a residential zone ☐ a warehouse

☐ a shopping center. Please provide name of the center: _____

☐ an office building. Please provide name of the building: _____

☐ other, please describe: _____

RESTAURANT SUPPLEMENTAL APPLICATION

All applicants requesting special use permit approval for restaurants shall complete the following section. Applicants requesting approval of a special use permit for a restaurant in Old Town shall complete the SUPPLEMENTAL INFORMATION FOR RESTAURANTS IN OLD TOWN section and submit the required parking management plan and litter reduction plan.

Please provide the following information:

1. How many seats are proposed?

At tables: 3 At a bar: _____ Total number proposed: 9

2. Will the restaurant offer any of the following? No

_____ alcoholic beverages _____ beer and wine (on-premises)

_____ beer and wine (off-premises)

3. Please describe the type of food that will be served:

Bagel . Coffee . Sandwich

4. The restaurant will offer the following service (check items that apply):

3 table service _____ bar ☒ carry-out _____ delivery

5. If delivery service is proposed, how many vehicles do you anticipate? No

Will delivery drivers use their own vehicles? _____ Yes. _____ No.

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)? _____ Yes. ☒ No.

If yes, please describe: _____

SUPPLEMENTAL INFORMATION FOR RESTAURANTS IN OLD TOWN

**CRITERIA TO BE USED TO EVALUATE NEW OR EXPANDED RESTAURANTS
ADOPTED BY CITY COUNCIL BY RESOLUTION, NOVEMBER 13, 1993**

Parking

1. The applicant must submit a parking management plan (PMP), which specifically addresses the following issues:
 - A. The parking demand generated by the proposed restaurant.
 - B.. The availability of off-street parking for patrons. For the purpose of this policy, availability shall be measured in terms of the number of vacant off-street parking spaces within 500 feet from the entrance to the restaurant.
 - C. How employees who drive will be accommodated off the street at least in the evenings and on weekends.
 - D. The predicted impact of the restaurant on the parking supply at the evening peak, weekend peak, and daytime peak.
 - E. A proposal to reduce the impact of parking created by the restaurant on nearby areas. Acceptable alternatives for reducing parking impacts include, but are not limited to, the following: validated parking or valet parking for patrons, and off-street parking or transit subsidies for employees.

2. Additionally, please answer the following:
 - A. What percent of patron parking can be accommodated off-street?
(check one)
 - ☐ 100%
 - ☐ 75-99%
 - ☐ 50-74%
 - ☐ 1-49%
 - ☒ No parking can be accommodated off-street

 - B. What percentage of employees who drive can be accommodated off the street at least in the evenings and on weekends?
(check one)
 - ☐ All
 - ☐ 75-99%
 - ☐ 50-74%
 - ☐ 1-49%
 - ☒ None

 - C. What is the estimated peak evening impact upon neighborhoods?
(check one)
 - ☒ No parking impact predicted
 - ☐ Less than 20 additional cars in neighborhood
 - ☐ 20-40 additional cars
 - ☐ More than 40 additional cars

Litter

The applicant for a restaurant featuring carry-out service for immediate consumption must submit a plan which indicates those steps it will take to eliminate litter generated by sales in that restaurant.

Alcohol Consumption and Late Night Hours

1. Maximum number of patrons shall be determined by adding the following:

	<u> 9 </u>	Maximum number of patron dining seats
	<u> </u>	Maximum number of patron bar seats
+	<u> </u>	Maximum number of standing patrons
<hr/>		
	<u> 9 </u>	Maximum number of patrons

2. 22 Maximum number of employees by hour at any one time

3. Hours of operation:
(check one)

<u> </u>	Closes by 8:00 P.M.
<u> ✓ </u>	Closes after 8:00 P.M. but by 10:00 P.M.
<u> </u>	Closes after 10:00 P.M. but by Midnight
<u> </u>	Closes after Midnight

[Closing time means when the restaurant is empty of patrons.]

4. Alcohol Consumption:
(Check one)

<u> </u>	High ratio of alcohol to food
<u> </u>	Balance between alcohol and food
<u> ✓ </u>	Low ratio of alcohol to food

PARKING REDUCTION SUPPLEMENTAL APPLICATION

Supplemental information to be completed by applicants requesting special use permit approval of a reduction in the required parking pursuant to section 8-100(A)(4) or (5).

1. Describe the requested parking reduction. (e.g. number of spaces, stacked parking, size, off-site location)
2 - none

2. Provide a statement of justification for the proposed parking reduction.
add to seat for business

3. Why is it not feasible to provide the required parking? ✓ we have no side parking

4. Will the proposed reduction reduce the number of available parking spaces below the number of existing parking spaces? ☐ Yes. ☒ No.
5. If the requested reduction is for more than five parking spaces, the applicant must submit a Parking Management Plan which identifies the location and number of parking spaces both on-site and off-site, the availability of on-street parking, any proposed methods of mitigating negative affects of the parking reduction.
6. The applicant must also demonstrate that the reduction in parking will not have a negative impact on the surrounding neighborhood.

mainly serving for neighbor.

Lee's Market

SUP2002-0080

Bashford Lane

Doors

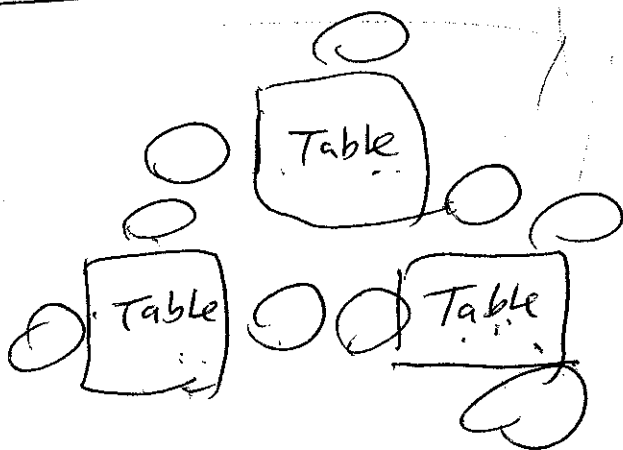
Ice Cream Box

Wine

Grocery

Grocery

Walking Coolers

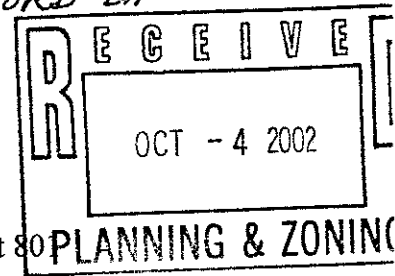


cash register

Deli

SUP 2002-0080
801 BASHFORD LA

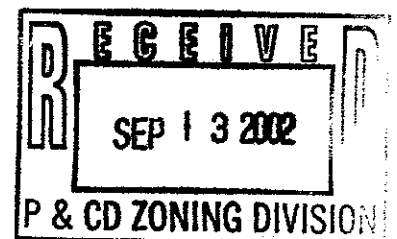
Supplement to Application

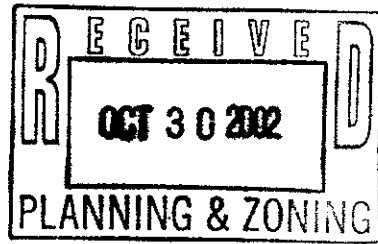


I, the owner of Lee's market, request to amend my application for seating at 801 Bashford Lane. I would like to add 10 seats to outdoor seating, serving cold food such as salad, sandwich, soft drink and coffee. I expect to have an average of eight customers during peak hours. The seats will be placed in front of the store and the side of the store. Than k you for considering our application.

Sincerely,

Qetae Kim





October 29, 2002

Ms. Valerie Peterson
Department of Planning and Zoning
301 King St., Suite 2100
P.O. Box 178
Alexandria, Va. 22313

Dear Ms. Peterson:

I am the owner of a townhouse at 1229 Michigan Court on the corner of Bashford Lane and Michigan in the Nethergate subdiusuib, Yesterday I received notice of a public hearing by the Alexandria Planning Commission on November 7, 2002 concerning the application of Mr. Quetae Kim for a special use permit to operate a restaurant in the existing retail market at 801 Bashford Lane and for a parking reduction.

Unfortunately I am unable to attend the public hearing because of scheduled travel but want to send this letter as a party in interest to express my opposition to the granting of the application. I have read the materials from the Planning Commission process that you faxed to me, including the planning staff analysis, the staff recommendation for approval and the conditions amended by the staff.

I strongly disagree that this application meets all of the three standards of approval for a special use permit for a nonconforming commercial use in a residential area. To me, this application represents a fundamental change in the Residential Zoning of the area. I purchased my property in 1980 with the knowledge that this area was zoned by the City of Alexandria as residential only. Mr. Kim has already received approval for a retail market but expanding the commercial activity that already has special use to a restaurant within the market and outside changes the very nature of the community and the original zoning intention of the City.

Despite the extensive conditions added by the planning staff, there is no assurance that encouraging the congregation of people at the market by providing seating inside and especially outside of the market will not change the noise levels and atmosphere surrounding the market or will not attract people beyond the neighborhood described. There is absolutely no assurance in my opinion (except further complaints to the Commission in April, 2002) that this in any way enhances the neighborhood.

Furthermore, there is no specific requirement about the nature of the outdoor dquipment on the outside area that faces my property. There is also no specific definition pf teh "nearby" neighborhood described by Mr. Lee.

Therefore, I feel very strongly that adding a restaurant to a retail market is no compatible with current neighborhoods, does not enhance my naighborhood of Nethergate in any way, will probably result in more parking, and will only encourange more commercializaion. There is no indication in the report of the Planning Commission about which neighborhood were consulted, including my own of Nethergate, that will certainly be affected by any changes to the retail market.

Thank you for your attention to this concern and please record it as an objection to the application of Mr. Kim for a apecial use permit at the public hearing of the Alexandria Plannning Commission on November 7, 2002.

Sincerely yours,



Alice S. Pickering

Current Address: 2318 Kimbro Street
Alexandria, Va. 22307
Rel: (703)660-8727

Valerie Peterson
Planning Department
City of Alexandria
City Hall
3100 King Street

Dear Ms Peterson;

We requested the deferral of the Lee's Market Special Use Permit in order to discuss the City Staff condition governing the sale of alcohol. Although we agree with not serving alcohol on the premises, the conditions governing sales for off-site beverages do intensify the existing conditions (see attachment 1). Specifically, the existing conditions read "the sale imported "single beer" are not prohibited". A condition we agreed to and that the Northeast civic Association endorsed (see attachment 2).

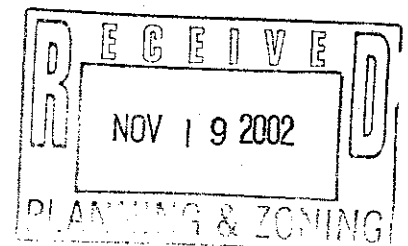
The Special Use Permit was specifically sought to serve the community and should not impose a diminution of the exiting conditions governing other retail activity. Specially, since no alcohol will be served on premises.

Therefore, we request that given condition 10, that condition 13 be removed in order to allow the exiting conditions regarding retail sales to continue.

Sincerely Yours



Quetae Kim
Lee's Market
801 Bashford Lane
Alexandria Virginia 22314-1309



ATTACHMENT 1

SUP 2002-0080

COMMONWEALTH OF VIRGINIA



BOARD MEMBERS
ANNE P. PETERA, CHAIRMAN
CLARENCE W. ROBERTS
CLATER C. MOTTINGER

2901 HERMITAGE ROAD
P.O. BOX 27491
RICHMOND, VIRGINIA 23261
(804) 367-0685

Department of Alcoholic Beverage Control

FAX (804) 367-0622
TDD LOCAL (804) 367-9741

P. O. Box 25157
Alexandria, Virginia, 22313

May 20, 1997

Quetae Kim
Lee's Market
801 Bashford Ln.
Alexandria, Virginia 22314-1309

RE: License No. 076679 - Wine and Beer Off Premises - Gourmet Shop

Dear Licensee:

Your application for a wine and beer off premises license has been approved, and the license will be delivered to you by the Special Agent who delivers this letter.

The license is being granted subject to the following restrictions:

1. That the sales of domestic "single beer" are prohibited. A "single beer" is defined as any domestic container having a capacity of 40 fluid ounces or less sold in less than a 6-pack. The sales of imported "single beer" are not prohibited; and,
2. That the sales of domestic "fortified wine" are prohibited. Domestic "fortified wine" is defined as wine having an alcoholic content of more than 14% by volume but not more than 21%. The sales imported port wine and sherry is not prohibited.

Your acceptance of the license will be construed as acceptance of the restrictions placed against the license and your failure or refusal to comply with the restrictions will constitute grounds under the provisions of the Alcoholic Beverage Control Act for the suspension or revocation of the license.

Very truly yours,

P. G. Disharoon
Assistant Special Agent in Charge

North-East Citizens' Association

Poul Hertel
President
Tel.: (703) 684-5375



May 9, 1997

Memo to: Alexandria Police Department
Vice Narcotics Section
Sgt. Ron Ware

Subject: Review of Alcoholic Beverage Control License Application for Lee's Market

The commentary and recommendations of the Alexandria Police Department on the restrictions are endorsed by the NorthEast Citizens' Association.

Lee's Market has been significantly upgraded both in appearance and the items the store now carries. The store is now more gourmet in nature and is catering toward that segment of the market.

Poul Hertel

A handwritten signature in black ink, appearing to read 'Poul Hertel'.

President

VP
11/11

APPLICATION for SPECIAL USE PERMIT # 2002-0080 10

[must use black ink or type]

PROPERTY LOCATION: 801 Bashford Lane Alex. VA 22314

TAX MAP REFERENCE: 044.04 ZONE: RB-Residential

APPLICANT Name: QUETAE KIM

Address: Same above

PROPERTY OWNER Name: Kim. Youngshin

Address: 6908 Vantage DR Alexandria VA 22306

PROPOSED USE: Amend SUP for Adding seat & Table

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Quetae KIM

Print Name of Applicant or Agent

801 Bashford Lane

Mailing/Street Address

Alexandria, VA 22314

City and State

Zip Code

[Signature]

Signature

703-683-5185

Telephone #

703-683-0384

Fax #

July 22, 02

Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: 12/3/2002 RECOMMEND APPROVAL 6-0

ACTION - CITY COUNCIL: 12/14/02PH--CC approved the Planning Commission recommendation, with the exception of outdoor seating.